

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

Notice to Receive Interested Party Comments on a Proposed Court-Approved Settlement Agreement to Recover Cleanup and Removal Costs on the Property Known as 634/638 Route 46 in Kenvil, Morris County

Take notice that the New Jersey Department of Environmental Protection (the Department) hereby gives notice of a proposed Court-Approved Settlement Agreement concerning the recovery of unreimbursed cleanup and removal costs at the property known as the Country Towing site located at 634/638 Route 46, Kenvil, Morris County (Property). The site is also known and designated as Block 2403, Lot 5, on the Tax Map of the Township of Roxbury, which the Department has designated as Site Remediation Program Interest No. 011452.

The Department, under the authority of N.J.S.A. 13:1D-1 through 19, and by the authority of the Spill Compensation and Control Act (Spill Act), N.J.S.A. 58:10-23.11 through 23.24, the Site Remediation Reform Act, N.J.S.A. 58:10C-1 through 29, and pursuant to the authority vested in the Administrator of the New Jersey Spill Fund and the authority delegated to the Assistant Director of the Enforcement and Information Support Element within the Site Remediation Program pursuant to N.J.S.A. 13:1B-4, proposes to enter into this Court-Approved Settlement Agreement with Ray Petroleum Company, R.P.C. Inc., Spartan Oil Company, and their insurers.

Under the terms of the proposed Court-Approved Settlement Agreement, Ray Petroleum Company and R.P.C. Inc. would agree to settle their alleged liability to the Department for the Department's past and future cleanup and removal costs by paying the Department \$55,000.

Spartan Oil Company would agree to settle its liability to the Department for the Department's past and future cleanup and removal costs by paying the Department \$45,000. The Department would, among other things, agree to provide Ray Petroleum Company, R.P.C., Inc. and Spartan Oil Company with a covenant not to sue for all past and future cleanup and removal costs, as well as a covenant not to sue for natural resource damages.

It is the intent of the Department, Ray Petroleum Company, R.P.C. Inc., Spartan Oil Company, and their insurers that the Court-Approved Settlement Agreement constitutes a judicially approved settlement within the meaning of 42 U.S.C. § 9613(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 et seq., and N.J.S.A. 58:10-23.11f.a(2)(b) of the Spill Act for the purpose of providing protection from contribution actions or claims for matters addressed in the Court-Approved Settlement Agreement.

A copy of the proposed Court-Approved Settlement Agreement is available for inspection at the Department's main office at 401 East State Street, in Trenton, New Jersey and via the Internet at www.nj.gov/dep/srp/settlements. A copy of the Department's files concerning the Property is available for review by contacting the Office of Record Access, DEP, PO Box 420, Mail Code 401-06Q, Trenton, NJ 08625-0420 or via e-mail at records.custodian@dep.state.nj.us.

Interested persons may submit comments on the entry of the Consent Judgment concerning the remediation of the Property to Kevin F. Kratina, Assistant Director, DEP, Site Remediation Program Assignment and Enforcement Element, 401 East State Street, PO Box 420 - Mail Code 401-06A, Trenton, NJ 08625-0420.

All comments must be submitted within 60 calendar days of the date of this public notice. The Department will consider all comments received and may decide to withdraw or withhold

consent to the entry of the Court-Approved Settlement Agreement if comments disclose facts or considerations that show that the Court-Approved Settlement Agreement is inappropriate, improper, or inadequate.